II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 11 April 1978

authorizing the French Republic not to apply Community treatment to men's and boys' underpants and briefs, women's, girls' and infants' knickers and briefs, knitted or crocheted, not elastic or rubberized, of cotton or synthetic textile fibres, falling within heading No ex 60.04 of the Common Customs Tariff, originating in Hong Kong and in free circulation in the other Member States

(Only the French text is authentic)

(78/396/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to the application under the first paragraph of Article 115 of the Treaty, made on 4 April 1978 by the French Government to the Commission of the European Communities, for authorization not to apply Community treatment to men's and boys' underpants and briefs, women's, girls' and infants' knickers and briefs, knitted or crocheted, not elastic or rubberized, of cotton or synthetic textile fibres, falling within heading No ex 60.04 of the Common Customs Tariff, originating in Hong Kong and in free circulation in the other Member States,

Whereas the importation into the Community of the products in question originating in Hong Kong is covered by an Agreement negotiated between the Community and that country ;

Whereas under that Agreement Hong Kong has undertaken to take all necessary steps to limit its exports of the products in question to the Community to certain ceilings allocated among the Member States ;

Whereas it was not possible on that occasion to allocate these ceilings on the basis of the needs of the individual markets ; whereas for that reason disparities persist between the import conditions in the various Member States ; whereas uniformity can be achieved only progressively ;

Whereas according to the application submitted there are serious difficulties in the industrial sector concerned, involving a considerable drop in production and employment and a progressive decline in its market share ;

Whereas further indirect imports, in addition to those already effected, would be likely to aggravate these difficulties ;

Whereas it is not possible to set in motion rapidly the machinery for bringing about the necessary cooperation from the other Member States ;

Whereas authorization should accordingly be given for the application of protective measures under the first paragraph of Article 115, subject to the conditions specified in the Commission Decision of 12 May 1971 (1), and in particular Article 1 thereof ;

Whereas, however, the request for a licence which gave rise to the application in question does not need to be covered by such an authorization in view of the small amount involved,

(1) OJ No L 121, 3. 6. 1971, p. 26.

HAS ADOPTED THIS DECISION :

Article 1

The French Republic is authorized not to apply Community treatment to the products indicated below, where they originate in Hong Kong and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after the date of this Decision :

CCT heading No	Description
ex 60.04	Men's and boys' underpants and briefs, women's, girls' and infants' knickers and briefs, knitted or crocheted, not elastic or rubberized, of cotton or synthetic textile fibres

Article 2

This Decision shall apply until new opportunities arise for the importation of these products from Hong Kong or until 31 December 1978, whichever is the earlier.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 11 April 1978.

For the Commission

Lorenzo NATALI

Vice-President